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COMMISSION ON HUMAN RIGHTS

Fiftieth session

SUMMARY RECORD OF THE 13th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 8 February 1994, at 3 p.m.

Chairman: Mr. van WULFFTEN PALTHE (Netherlands)

later: Mr. URRUTIA (Peru)

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of special problems which the developing countries face in their efforts to achieve these human rights, including: problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development:

(a) Popular participation in its various forms as an important factor in development and in the full realization of all human rights (continued)

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The meeting was called to order at 3.15 p.m.

STATEMENT BY MR. ANGEL SALAVERRIA, MINISTER FOR FOREIGN AFFAIRS OF EL SALVADOR

1. Mr. Angel SALAVERRIA (Minister for Foreign Affairs of El Salvador), speaking on behalf of the Salvadoran Government and people, said that first of all he wished to express his sincere gratitude to the Commission for the interest it had shown and for the activities it had undertaken in order to promote the well-being of El Salvador. Fortunately, life was different in El Salvador since the Peace Accords.

2. In the 13 or so years during which the Commission had examined the situation in El Salvador, the human rights situation in the country had greatly improved. That positive development had been acknowledged by the Commission's experts, the United Nations Observer Mission in El Salvador (ONUSAL), the main United Nations agencies and the international community as a whole. Throughout the entire period, the Salvadoran authorities had cooperated very closely with the monitoring bodies and organs of the United Nations and the regional organizations. It could now be said that El Salvador was well on the way to peace, national reconciliation and the establishment of the rule of law.

3. The Salvadoran authorities' determination to guarantee respect for human rights had taken tangible form in the San José Agreement on Human Rights, signed in the presence of the Special Representative of the United Nations Secretary-General on 26 July 1990. The presence of the ONUSAL in El Salvador was also of considerable assistance to the authorities in their efforts to achieve peace and the promotion of human rights; the Mission now had over 150 observers throughout the national territory, and they had a free hand in performing their duties.

4. The ideological polarization that had been a hallmark of the cold war had meant that the question of human rights in El Salvador had taken on unusual political proportions and the Commission's anxiety had been justified because of the existence of an armed conflict in which serious human rights violations had occurred. However, the Commission must now look at the situation in El Salvador from a realistic point of view and take into account the positive developments in the country.

5. The success of the peace process undertaken in El Salvador with United Nations cooperation could be attributed to the fact that there was a national will that was also expressed in the Salvadoran Government's complete trust in the international community. Such an exemplary achievement in the history of the United Nations should enable it to chart the course of its quest for peace in other parts of the world. El Salvador was the scene of a political, economic and social dynamic process that was significantly transforming not only Salvadoran society but also the usual procedures for the peaceful settlement of conflicts. In that context, respect for and the protection of human rights, which were vital for the transformation of the Salvadoran State and society, were a priority for the Government, which would tolerate no infringement of those rights.

6. It was true that ordinary criminality currently posed a problem in El Salvador, but it was a social phenomenon that was not linked to human rights violations and moreover, it had decreased sharply since the civilian national police force in charge of public safety throughout the national territory had been established.

7. The Salvadoran Government not merely complied with its commitments; it had even put forward new ideas for strengthening world peace. Thus, it had organized a think-tank in El Salvador on education and the culture of peace, and on 16 February it would host, with the support of UNESCO, the first international forum on the culture of peace, in which many States would be able to exchange information drawn from their experience and identify common ground for the peaceful settlement of conflicts. The consolidation of peace required the adoption of innovative and consensus decisions, and the Salvadoran Government had broken new ground by its decision to promote a policy based on a culture of peace, institutionalized by decree, whose effects were being felt in the political, socio-economic, religious and artistic spheres. Peace consisted of a series of decisions, forms of behaviour, values and attitudes, and was indissociable from the recognition of differences, dialogue, cooperation and the promotion of human rights. The process under way would be further strengthened by the holding of elections in which all the political forces would take part and which would be monitored by representatives of various States and over 1,500 United Nations observers.

8. In that connection, he wished to convey El Salvador's thanks to the international community for its support throughout the process of negotiating and establishing peace. That support, however, might turn into a liability if the recommendations of those who would like El Salvador to continue to be subjected to international scrutiny were implemented, despite the fact that proof had already been given that the peace in El Salvador was irreversible and could only become stronger.

9. He therefore called on the Commission to decide by consensus that the question of the situation in El Salvador should no longer appear on its agenda. Whatever the result of the democratic elections of 20 March 1994, the process of peace and national reconciliation would continue in accordance with the commitments the Government had made towards the Salvadoran people and the international community.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT:

(a) POPULAR PARTICIPATION IN ITS VARIOUS FORMS AS AN IMPORTANT FACTOR IN DEVELOPMENT AND IN THE FULL REALIZATION OF ALL HUMAN RIGHTS (item 7 of the provisional agenda) (continued) (E/CN.4/1994/17, 18*, 19 and Add.1, and 20; E/CN.4/1994/NGO/6; E/CN.4/1993/16; A/CONF.157/PC.73)

QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT (item 8 of the provisional agenda) (continued) (E/CN.4/1994/21 and Corr.1-2, and 99)

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (item 15 of the provisional agenda) (continued) (E/CN.4/1994/67 and 68; E/CN.4/1993/3; CCPR/C/2/Rev.3)

EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS (item 16 of the provisional agenda) (continued) (A/CONF.157/PC/62/Add.11/Rev.1; A/CONF/157/TBB/4 and Add.1)

10. The CHAIRMAN invited the members of the Commission to continue their consideration of agenda items 7, 8, 15 and 16.

11. Mr. PANG SEN (China), recalling that the World Conference on Human Rights had reaffirmed that the right to development, as established in the Declaration on the Right to Development, was a universal and inalienable right and an integral part of fundamental human rights, noted with satisfaction that the Working Group on the Right to Development, established by the Commission at its previous session, had made a serious analysis of the obstacles to the implementation of the Declaration.

12. Since the basic objective of the realization of the right to development was to promote economic development, the Working Group should give special attention to the development needs of the developing countries. With the growing interdependence of economies among all countries, the right to development was important to everyone; his delegation hoped that, with the universal recognition of the right to development, the developed countries would join the developing countries in promoting that right.

13. There were numerous obstacles to the realization of the right to development and the Working Group should give priority consideration to the elimination of the most serious ones, i.e. those that affected peace and stability in all countries, those that affected cooperation among States on the basis of equality and mutual benefit and those that were massive and flagrant violations of human rights as referred to in article 5 of the Declaration on the Right to Development. Furthermore, States had the primary responsibility for the creation of conditions favourable to the realization of the right to development and should conduct international cooperation in that regard. The issue before States was that of working out the details of that cooperation.

14. His delegation believed that development, democracy and human rights were complementary and mutually reinforcing. Based on its own experience of reform and opening to the outside world, China believed that, to achieve sustainable development and ensure the full enjoyment of its benefits by the people, every country had first of all to maintain its political and social stability. The application of economic models that did not fit the conditions of the country were unfavourable to the realization of the right to development.

15. The Commission should continue to promote the right to development and give a clearer mandate to the Working Group on the Right to Development and fresh impetus to its work. His delegation hoped that interested States and

United Nations bodies would make efforts to strengthen international cooperation for the early realization of the Declaration on the Right to Development.

16. Mrs. CARRIZOSA DE LOPEZ (Colombia) said that she hoped the question of the right to development would not become bogged down in futile quarrels between those who believed that the right to development should not be used to justify the failure to realize the other rights and those who felt that the right to development was a prerequisite for the exercise of the other rights. It would be preferable to start from an analysis of the necessary link between the right to development and the objectives, whether recognized or unrecognized, of world economic policy.

17. She underscored specifically the inconsistency between the international community's concern for human rights and the concept of economic development which did not include that concern. Her delegation proposed that the obstacles to the achievement of the right to development being studied by the Working Group on the Right to Development should note the crucial fact that the right to development was not a goal of economic development policies since the economy deliberately separated the production of goods from social needs such as welfare and fairness in general. As long as the economy did not take those social needs into account, it would not be possible to overcome the many obstacles identified, and all recommendations and actions aimed at realizing the right to development would be futile. If, as the International Monetary Fund (IMF) stated, economic progress was dependent on the implementation of an effective development strategy based on the system of international trade, the achievement of the right to development implied that the strategy should make it a priority objective.

18. The developing countries were currently facing the vexed question how to adapt their economic structures to the requirements of the market economy at a time when their internal situation reflected social and political conflicts that that economic system did not take into account since the proposed economic model was that of societies that had already overcome such conflicts. The question of the right to development, therefore, was not expressed in terms of aid from developed countries to developing countries, but called into question world economic policy and its possible effects on the other human rights. Such an approach to the right to development should complement the economic ideas currently in force.

19. Finally, it should be noted that the implementation of economic, social and cultural rights depended not on the existence of a Covenant, but on its implementation, and that it was for States to establish the necessary conditions for the enjoyment of those rights.

20. Mr. OYARCE (Chile) said that civil, political, economic, social and cultural rights should be devised across the board, using universal criteria and principles. The ideological polarization of recent decades had disrupted the original unitary conceptualization of rights, and civil and political rights had been given a higher status than the other rights as a result of the antagonism between hegemonic blocs. The end of that era of ideological confrontation, however, had made it possible for the concept of the

indivisibility of rights to be strengthened, as indicated in Commission resolution 1991/30, affirming the equal importance and the indivisibility of all categories of human rights, as well as the interrelation between human rights, democracy and development, and in the 1993 Vienna Declaration.

21. The three fundamental concepts underlying the current approach were the indivisibility and universality of those rights and the possibility of invoking them in court. However, the principle of indivisibility did not mean that lack of development could be used to justify infringements of human rights. He believed that the democratic model was conducive to sustainable human development. Nevertheless, it should be admitted that economic development and popular participation by all sectors of society were essential for a stable democracy. In that connection, the absolute number of poor people in Asia, Africa and Latin America and their percentage in relation to the total population had increased in recent years and was expected to continue increasing. Although tangible progress had been made in the area of civil and political rights, it was by no means the case as far as economic, social and cultural rights were concerned.

22. With regard to the universality of rights, it should be borne in mind that democracy was a universal aspiration. It followed that all groups, including those groups considered to be vulnerable and which accounted for most of the world's population, should be taken into consideration. In Vienna, those groups had obtained recognition of their aspirations for the first time. In addition, the fact that nowadays virtually every country in the world participated in the preparation and interpretation of international standards strengthened the universality of human rights.

23. As for the possibility of invoking those rights in court, at the domestic level a wide range of economic rights regularly gave rise to judicial decisions. At the international level, in addition to the impact of the standards established by the International Labour Organization, the Human Rights Committee was increasingly taking on cases involving economic rights; for example, it had studied the rights concerned with non-discrimination referred to in article 26 of the International Covenant on Economic, Social and Cultural Rights. The Social Charter of the Council of Europe showed the same tendency, thereby confirming that economic rights could in principle be invoked in court. In that connection, case-law must focus on the means by which the decisions handed down could be made operative. The Committee on Economic, Social and Cultural Rights had examined the capacity to submit complaints (ius standi). The fact that most economic and social rights were both collective and individual in scope should not preclude them from giving rise to communications and petitions-procedures, and they should be protected by legal and procedural guarantees.

24. In its preliminary report (E/CN.4/1994/21), the Working Group on the Right to Development stressed that all parties should contribute to the effective implementation of the right to development. Accordingly, it would be helpful for States, development agencies and society at large to submit their comments. He hoped that the Working Group would be able to have two sessions that year to enable it to give tangible form to the new political dimension of the subject.

25. In conclusion, he stressed the fact that the international community should seek ways of redressing the imbalance currently existing in the world. The World Summit for Social Development should look into the adverse impact of globalization and poverty and seek ways to ensure the full realization of economic, social and cultural rights.

26. Mr. HASSAN (Sudan) emphasized the importance of the right to development, which was inseparable from the other human rights. An improvement in the situation of the least developed countries was based on the implementation of fair policies towards those countries and not on the use of a double standard. Progress in development required viable international and bilateral cooperation, a goal that was unfortunately far from achieved.

27. It should not be forgotten that development, which was not confined to economic development and included other aspects, in particular cultural and humanitarian, needed to be adapted to the legitimate aspirations of peoples. However, the contemporary international economic system was based solely on relations of power. If the countries that supplied development assistance wanted to prove that they were serious and honest, they should take appropriate measures to reduce the gap between the rich and poor countries, eliminate monopolies and bring an end to the injustices existing throughout the world.

28. In fact, however, the developed countries had made the conditions for the grant of assistance more stringent, thus worsening the suffering of the people in the developing countries. Furthermore, they now were focusing on the eastern countries and were neglecting a large number of other countries dependent on their aid because those countries no longer served their strategic interests.

29. The right to development as a fundamental human right had been reaffirmed in the Vienna Declaration and Programme of Action, but, since the adoption of those texts, the developed countries had shown little enthusiasm for respecting that right and in particular ensuring its implementation in accordance with Commission resolution 1993/22, the effect of which was to curb all potential activities by the Centre for Human Rights in that area. Increasing numbers of resolutions unfavourable to third world countries were in fact being implemented.

30. His delegation therefore endorsed the recommendations made by the Working Group on the Right to Development in its report (E/CN.4/1994/21), in particular the recommendation on the establishment within the Centre for Human Rights of a unit specially designed to follow up on the Declaration and to perform such tasks as giving logistical support to the Working Group (para. 110). In addition, a greater number of developing countries should be given the opportunity to take part in the Working Group's tasks, and all attempts to remove the question of the realization of the right to development from the agenda of the fifty-first session of the Commission by incorporating it into another item should be opposed.

31. Finally, his delegation urged the Commission to adopt a resolution on the problem of the developing countries' external debt, in which it would ask the developed countries to cancel or reduce the debt and the international

financial institutions to support the efforts of the developing countries without linking their support to conditions, would ask the Working Group to pay greater attention to the adverse social effects of the policies imposed by certain countries on the developing countries, would emphasize the need to eliminate poverty, which was an obstacle to development, and to prevent the wealthy countries from using development aid, and especially food aid, as a weapon against poor, weak countries.

32. Mr. MOLANDER (Sweden), speaking on behalf of the five Nordic countries and referring to agenda items 15 and 16, said that the ratification of the major international human rights treaties deriving from the Universal Declaration of Human Rights should continue to be a priority objective for all the members of the international community. In that connection, his delegation drew attention to the fact that the five Nordic countries had ratified the two Covenants, as well as the First and Second Optional Protocols, the Convention on the Elimination of Discrimination against Women and the Convention on the Rights of the Child, and that the Convention against Torture had been ratified by four of them.

33. He urged all States that had not yet done so to accede to those instruments, in particular the Second Optional Protocol aiming at the abolition of the death penalty, whose adoption and entry into force must be seen as a milestone in the protection and promotion of human rights. It was distressing to note that the death penalty was being more widely used and had even been reintroduced in some States that had formerly abolished it. It was also being applied to minors, in violation of the International Covenant on Civil and Political Rights. Renewed efforts must therefore be made to obtain the ratification of the Protocol by as many countries as possible, for the right to life was the most fundamental of all human rights.

34. However, ratification of international human rights instruments was not an end in itself and must be followed by effective and thorough implementation. The reporting obligations accepted by States parties under the various instruments were a useful means of reviewing implementation. Unfortunately, many States did not always fulfil that obligation in a timely manner, and the delays resulted in interruption of the implementation process. It was therefore most important that the Centre for Human Rights should be given adequate resources for strengthening advisory services and technical assistance, thus enabling it to assist individual States, upon request, with preparation of reports and the implementation of coherent plans of action for the promotion and protection of human rights.

35. States should also adopt efficient national mechanisms to ensure that they fulfilled their obligations.

36. The Nordic countries strongly supported the recommendations contained in the Vienna Programme of Action to the effect that coordination should be increased among United Nations human rights bodies in order to avoid duplication and that treaty monitoring bodies should include in their work the question of the status and human rights of women, make use of gender-specific data and encourage States to supply information on the situation of women de jure and de facto in their reports to treaty monitoring bodies.

37. The implementation of those recommendations should lead to more practical ways of implementing the instruments. It went without saying that the different monitoring bodies should continue to seek ways of improving their functioning, and his delegation welcomed the practice recently introduced in the Human Rights Committee and the Committee on the Elimination of Discrimination against Women, whereby the committee provided a general evaluation of a State Party's report and the dialogue with its delegation.

38. His delegation also endorsed the approach taken by the Committee on the Rights of the Child and its intention to study the reservations of the Convention more thoroughly. Reservations to the human rights instruments were not only increasing in number but were often incompatible with the object and purpose of the Convention or otherwise contrary to international treaty law. The Nordic countries regularly informed the depositary of their objections to such reservations and urged other countries to do the same. However, the question arose whether mere objections were sufficient, for some of the reservations made, in particular to the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, were so broad that it was doubtful whether accession with such limitations could be considered at all valid. The Nordic countries therefore appealed to the States concerned to re-examine their reservations with a view to withdrawing them as soon as possible.

39. It was the responsibility of all States, in view of their commitments under the international human rights instruments, to protect and encourage respect for human rights.

40. Mr. DILLOWAY (International Humanist and Ethical Union) said that, despite the fact that economic, social and cultural rights were central to the Commission's work, they still did not receive the attention they deserved, for both conceptual reasons and reasons of motive and control. The first conceptual reason was a simple one: rights and duties were treated simply within a legal domain, and the fact that they defined a web of essential relations within an economic and political context tended to be ignored. Other conceptual reasons related to the use of an analytical tool for assessing the achievement of economic rights that was not realistic, for it treated of the range of developing States - in fact all States - as an empirical continuum of rising achievement. The result was removal from the balance-sheet of the key sources of motive and control that affected the exercise of rights.

41. There were four essential forces at work in the world that directly dominated the living conditions of people, namely religion, the economy, politics and the arms trade, but the overriding dogmas of the economy and government, and not simply their machinery, decided conditions for exercising economic and social rights and also determined development priorities.

42. The economic and political system by which the world was currently governed might have been valid in 1776, but was no longer suitable at the end of the twentieth century. The economic and social rights that underpinned development could flourish only if conditions were created to make their

exercise possible. At the government level, that meant that essential common services - public utilities, transport, health, education and social security - must be deliberately designed to serve precisely that end.

43. A return to the system in force in 1776 could stifle any progress in economic and social rights in both developed and developing States. As an illustration, the small country that had seen the birth of that system, which had enabled it to become the most important economic power at the end of the nineteenth century, was now facing numerous problems in that area. Unfettered struggle for growth simply cut employment, created poverty, raised crime and destroyed environments. Privatizing essential public services as a countermeasure jeopardized the exercise of numerous rights and produced corruption.

44. The achievement of economic, social and cultural rights offered one valid basis for genuine development, provided that there was some convergence between the philosophies of the East and West, i.e. meeting common needs and individual wants within a perceived framework of justice. In the current climate, piecemeal reviews of the status quo could offer little more than a slow decay of existing rights. Why, for instance, should States that paid little heed to ratifying basic rights instruments be able to vote in or dominate the Security Council, and when would a Council for Economic Security be established? It seemed that a more forward-looking and aggressive programme was long overdue.

45. Mr. CUNNIAH (International Confederation of Free Trade Unions) said that development would be sustained only if governments had the vision to invest in education and training, health and a safe environment.

46. There was a close link between democracy, entailing accountability in government, and development. The lack of transparency in many governments went a long way to explain the setbacks of development. Many governments had squandered precious resources, including development aid from the industrialized countries, on establishing a luxurious way of life for a privileged elite. The debt crisis would not have come about so severely if the debtor countries had been governed responsibly and democratically during the 1970s, when most of the debt had been contracted. It had therefore not been surprising that several unrepresentative governments had been swept out of power in the past few years in a wave of democracy which, from Central and Eastern Europe, had hit the shores of Africa. However, the democratization process remained fragile in many countries, and priority should be given to international and national mechanisms for making effective the guarantees of human and trade union rights. However, it should be constantly underlined that human rights were universal and not reserved for the world's developed and richer countries.

47. Many indicators showed that a large part of the world's population, especially in Africa, South Asia and Latin America, was excluded from the development process as a result of inadequate levels of nutrition, education, health and employment opportunities.

48. The Declaration on the Right to Development called on all countries to encourage popular participation as an important factor in the realization of

that right. Failure might result in sections of populations having recourse to armed struggle to press for social reforms, as recent developments in the Mexican State of Chiapas had shown.

49. Despite the ratification by 119 countries of the Covenant on Economic, Social and Cultural Rights, inequality remained acute around the world, and in the industrialized countries the social gap within the population was widening. Moreover, the democratic opening created by the fall of communism was threatened by the failure of democratic parties to find credible solutions to the problems of social exclusion.

50. In that regard, the monetarist policies imposed by the international financial institutions on countries carrying out structural adjustment programmes were serious obstacles to development. An example was the recent 50 per cent devaluation of the CFA franc. The ICFTU had on many occasions criticized those short-sighted policies, which had produced no tangible results so far. It hoped that the CFA countries' foreign debt would be calculated in CFA francs, whatever its exchange rate.

51. The links between the social and economic problems of the North and the South were clearly visible, and the ICFTU had often emphasized the huge contribution that could be made to global recovery by measures to raise purchasing power in the developing countries. It therefore invited the Commission to urge the major industrialized countries to address the need for linking action on poverty and jobs in the developing world to coordinated recovery in the countries of the North.

52. Finally, the ICFTU wished to draw the attention of the Working Group to the following priorities for stimulating and sustaining development: an increase in special drawing rights by the IMF, which would have an immediate effect on demand, especially through investments; cancellation or write-off of official loans to the least-developed countries, particularly in Africa; a major review of the structural adjustment policies of the IMF and the World Bank in order to reduce the deflationary impact of the stabilization component of such programmes and to increase support to policies of poverty alleviation and job creation; an increase in aid from industrialized countries that had not yet reached the United Nations target of 0.7 per cent of GNP; linking of increased aid to respect for basic human rights, and in particular freedom of association; transfer of resources in developing countries from military spending to education and training, which were essential tools for economic and social development.

53. Mr. PORRET (International Fellowship of Reconciliation) said that the problems connected with extreme poverty concerned the entire world. In the developed and wealthy countries the phenomenon had been considerably worsened by the current economic crisis. Extreme poverty was also increasing in the countries of eastern Europe, where, until quite recently, the State had guaranteed the entire population a minimum wage. In those countries, the disappearance of a totalitarian regime had brought formerly non-existent freedoms with it but had also led to the emergency of a class of nouveau riches that acted with complete disregard of all social, ecological and human principles. At the same time, a large part of the population had lost their jobs.

54. The United Nations had designated 1994 as International Year of the Family. The role of the family in society was being threatened throughout the world because of wars, economic instability, the problem of divorce in the wealthy countries, changes in lifestyle and the transition from a society where the family guaranteed the individual's security throughout his lifetime to an individualistic society where the individual had to take complete responsibility for himself. The destruction or break-up of the family could therefore lead to extreme poverty.

55. In 1994 governments and non-governmental organizations would also be preparing for the World Summit for Social Development, and the International Fellowship of Reconciliation hoped that the Commission would make an important contribution to preparations for that meeting.

56. The problems of protecting the environment also remained a matter of concern. Although the need to protect the environment was universally recognized, it seemed that immediate interests and rapid profit took precedence. Pollution of the seas and oceans was liable to cause irreparable damage to the entire food chain. Likewise, deregulation policies made possible increasingly intensive use of manpower and equipment and, for example, increased the risks involved in the transport of dangerous substances. There were legal instruments for dealing with those questions but they were not sufficiently dissuasive. In that connection he drew attention to the projects for huge dams that were being studied in India, China and Quebec. If those projects were carried out, they would have irreversible consequences on the environment and the local populations would bear the consequences.

57. Mr. ZABALA (American Association of Jurists) said that, despite the adjustment policies and other solutions advocated by IMF, the problem of external debt was worsening. Yet those policies continued to be applied because they were the economic and financial policy instrument of the international investors. The gap was growing between a tiny minority of wealthy people and a huge mass of poor people, both inside each country and worldwide.

58. According to the World Economic Survey published by the United Nations in 1993, Africa's negative transfer of resources had been $1,600 million in 1992. That figure had not prevented the current Under-Secretary for International Affairs of the United States Treasury, Mr. Summers, from stating that the international community could not maintain its current level of aid. During the same period, the African continent, whose wealth had been literally pillaged by the major Powers, had seen an extraordinary increase in its external debt. The objectives of the international investors in Africa had been clearly expressed by Mr. Moose, United States Assistant Secretary of State for African Affairs who had said that the United States needed to ensure for itself access to the immense natural resources of Africa.

59. At the same time, the leading economic specialists were saying that the crisis would soon be over. It was true that the situation was constantly improving for the large banks and major multinational enterprises, which were garnering colossal profits every year. The situation of the majority of the

world's population, however, was continually worsening. Women in particular were in the forefront of the victims of those antisocial policies, since in most countries they did not earn the same wage as men for the same work.

60. The American Association of Jurists was deeply concerned by the fact that article 5 of the ILO draft convention on part-time work accepted the principle of a decrease in remuneration proportional to the reduction of work time. Everyone knew that a worker's productivity was higher during the first few hours, so that a wage reduction proportional to the reduction of work time actually amounted to decreasing the salary in absolute terms. The American Association of Jurists believed that income should be redistributed and that the call for solidarity with the poorest and the unemployed should not be addressed to workers but to the 20 per cent of the world population that earned 82.7 per cent of world income according to the UNDP report on world development in 1992. Naturally, the World Bank and the IMF were, of course, opposed to income redistribution and were also favourable to the elimination, or at least the privatization, of social security. Such organizations in the pay of the international investors were bent on turning the right to health into a profitable business and a luxury beyond the reach of the very poor.

61. The American Association of Jurists believed that the objectives which had prevailed at the founding of the international institutions under the Bretton Woods agreements had since been completely neglected. It was essential to democratize the decision-making process in those institutions, which should be made dependent on the Economic and Social Council and the General Assembly, as specialized agencies of the United Nations system, contrary to the designs of the wealthy countries, which were bent on strengthening the decision-making power of the major financial and economic Powers.

62. In conclusion, he said that the American Association of Jurists believed that there could be no genuine development, aimed at human beings, without a redistribution of income, know-how and technology, a democratization of the political, economic and financial institutions and authentic popular participation, at both the national and international levels.

63. Mr. CHANDRA (India) said that the Declaration on the Right to Development, adopted by the General Assembly in 1986, reflected the international community's desire to improve the lot of peoples and provide them with conditions favourable to the promotion of human rights. Resolution 1993/22 had reflected the Commission's intention to follow the implementation of the Declaration more closely. The Working Group it had established was responsible for identifying obstacles to the implementation of the Declaration and recommending ways and means of achieving the right to development. A reading of its first report (E/CN.4/1994/21) showed that it had commenced its work in serious fashion. The Group should develop its analysis further and make specific recommendations. In addition, as the Group had requested, governments and non-governmental international organizations and sources as diverse as possible should provide it with the most complete and up-to-date information available.

64. He fully endorsed the Working Group's concern that popular participation in the decision-making process, the exploitation of resources and

participation in the benefits of development should be considered of paramount importance. An illustration of that idea could be provided by India, where funds from the Union budget had been allocated to elected representatives of the people in Parliament so that they might take decisions themselves on micro-projects that could improve living standards of small communities. Development at the national level was a more complex matter, however, and he endorsed the Group's intention to activate an entire range of authorities at the national, international and institutional levels to that end.

65. In the increasingly interdependent modern world, any action by the major trading or richer countries had its repercussions on the developing countries. It was therefore essential to set up a mechanism for dialogue and especially to ensure that it led to a "new partnership for development". However, UNDP noted that IMF, which had been established to maintain monetary stability, had not been able to do so. Similarly, the Work Bank had been unable to provide adequate financing for feasible development projects. As for GATT, the recently-concluded Uruguay Round had been marked by the marginal voice given to developing countries. Tariff and non-tariff barriers prevented developing countries from exporting products in which they were competitive (textiles, clothing, footwear) and other restrictions prevented workers from working in more developed countries for higher wages. Official development assistance languished at approximately 0.35 per cent, against the international target of 0.7 per cent, of the GNP.

66. As the developed countries moved towards a market economy, it was essential that the gains from such reforms should be commensurate with the sacrifices they were likely to be making, especially in terms of employment. The Commission should therefore look closely at the question of safety nets and resources for retraining and re-employment. In that regard, the representative of WHO had rightly warned the Working Group that privatization of health care should not make it less accessible to disadvantaged people.

67. Since development was essentially an economic issue, although it also depended on other factors, the Working Group should focus on issues such as overindebtedness, transfers of technology and trade barriers. Indebtedness, falling commodities prices and tariff levels had led to a shrinking of the resources at the disposal of Governments of developing countries. To resolve that problem, the Working Group would have to try to mobilize international cooperation.

68. In conclusion, the Working Group should in its work closely follow the guidelines set out in the Vienna Declaration concerning the right to development, without straying into other areas on the ground that they also had an impact on the right to development.

69. Mr. LAGO SILVA (Cuba) noted that the commitments made by the international community, in particular in General Assembly resolution 41/128, had not been met, that the economic and social situation of the developing countries continued to be dramatic and that the development gap between the countries of the North and those of the South was growing. In the developing countries, where 80 per cent of the world population lived, over 70 per cent of the working population was unemployed or underemployed,

over 1 billion persons were living in conditions of absolute poverty, 35 per cent of the inhabitants were illiterate and 28 per cent had no access to health care.

70. Trade indicators painted the same picture. In 1992, for example, when the United States, Japan and the EEC countries had accounted for 54 per cent of world exports and 63.8 per cent of world imports, the corresponding figures for the 100 poorest developing countries had been only 1.4 per cent and 4.9 per cent respectively.

71. It was the industrialized countries that were responsible for that situation. Among other measures hampering the developing countries, the industrialized countries were erecting increasingly high protectionist barriers, practising dumping and high interest rates, closing off access to advanced technologies and information, attracting skills away from the developing countries and imposing coercive economic measures.

72. Among all the means by which the ccuntries of the North imposed their law on the countries of the South, the most important was the developing countries' external debt, which enabled the industrialized countries to perpetuate their neo-colonial domination and the other countries' economic dependence. The World Bank had predicted that the debt would attain the astronomical figure of $1,770,065,000,000 by the end of 1993, despite a decrease in long-term interest rates. It should be noted, in that connection, that the most intransigent creditors were the international financial institutions, which would agree to no rescheduling, refinancing or reduction of the debts. Yet as everyone remembered, those institutions had been established at Bretton Woods for the precise purpose of lending special assistance to the developing countries.

73. The indebtedness of the developing countries inevitably made them politically, economically and socially unstable, and it should therefore be stated anew that, not only from a political and economical but also from a social and moral standpoint, they could not be required to pay back their external debt. According to most specialists, the result of the servicing of their debt during the 1980s had been to decrease the developing countries' income, increase their unemployment, lower their purchasing power, increase poverty in their cities and reduce their social expenditure, to the detriment of education, food and public health.

74. Regarding the Secretary-General's report (E/CN.4/1994/17) prepared pursuant to Commission resolution 1993/12, he was surprised that, while the resolution had been adopted in February 1993, the Secretary-General's note asking Governments, intergovernmental organizations and non-governmental organizations for their comments on the issue had not been sent until 4 October. The comments which the Secretary-General had taken into account for his report were the ones received by 6 December. Under such circumstances, the Secretary-General could only have formed a very fragmented idea of the scope and seriousness of the debt crisis and the obstacle it represented - together with the corresponding adjustment programmes - for the effective enjoyment by the developing countries of their economic, social and cultural rights.

75. In conclusion, he denounced the economic blockade which the Government of the United States had been applying for 34 years against Cuba, in violation of the principles set forth in the Universal Declaration of Human Rights, which prevented even the purchase of essential goods such as medicines and foodstuffs. Despite its condemnation by the international community, the blockade had been strengthened. That represented a flagrant violation of international law and the purposes and principles of the Charter of the United Nations, and it was especially unacceptable because the United States was presenting itself as the faithful upholder of human rights while attempting to bring a heroic people to its knees by depriving it of its right to subsistence and development. The Commission should condemn such cruelty and demand that it be ended immediately.

76. Mrs. PARK (Canada), noting that the Vienna Declaration established the indivisibility of civil and political rights from economic, social and cultural rights, said that the misunderstanding surrounding that subject had to do with the basic difference in the governmental obligations deriving from the two categories of rights. In order to protect civil and political rights Governments must refrain from unduly curtailing the fundamental freedom of their citizens, whereas to protect economic, social and cultural rights Governments must act, but had only limited resources to do so.

77. That distinction did not imply any difference in the relative importance of the two sets of rights. Thus Canadians' attachment to the fundamental rights set out in their Charter of Rights and Freedoms was as strong as their commitment to enabling every citizen, rich or poor, healthy or sick, young or old, to participate to the fullest extent possible in the political and civil life of the country. The unproductive debates over whether developed countries were overly concerned with political and civil rights or whether the developing countries should give exclusive priority to a lesser standard of respect for civil and political rights should be put to an end. Defending both categories of rights was one of the keys to the improvement of international cooperation in the field of human rights.

78. Concerning more specifically the right to development, assisting the emerging democracies of the developing world and the countries of central and eastern Europe to develop institutions and infrastructures that would enable them to develop stable societies based on respect for fundamental human rights was in her view one of the most challenging tasks. That was not to say that human rights abuses were unique to any particular part of the world or any particular group of countries, or that "Western" values or forms of government should be imposed. It meant that the profound changes in the world in recent years made it abundantly clear that sustainable economic development was best fostered by democratic processes and institutions. There was growing acceptance of the idea that development, democracy and human rights were interrelated, and the suggestion that lack of development could be an excuse for human rights violations rang increasingly hollow.

79. Regarding the future, she said that speaking up about serious cases of human rights violations should continue to be a main focus of the Commission, but that the latter should also devote more effort to developing practical